

**STATE OF NEW JERSEY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF CHIROPRACTIC EXAMINERS  
124 HALSEY STREET  
NEWARK, NEW JERSEY  
PUBLIC SESSION MINUTES  
THURSDAY, MARCH 28, 2013**

A meeting of the New Jersey Board of Chiropractic Examiners was held on March 28, 2013 at the State Office Building, 124 Halsey Street, 7<sup>th</sup> floor, Newark, New Jersey in the Somerset room on the 6<sup>th</sup> floor. The meeting was convened in accordance with the provisions of the Open Public Meetings Act with previous notification having been sent to the Secretary of State and the following publications: The Record, Newark Star Ledger, Camden Courier Post, Trenton Times and Asbury Park Press to advise of the scheduling of this meeting. The meeting was called to order by David Allen, D.C., Vice President of the Board, at 9:35 A.M. A roll call was taken and the following attendance was recorded and a quorum was present:

<b>David A. Allen, D.C.</b>	<b>Present</b>
<b>Rosemary Calio, BSN, RN, D.C.</b>	<b>Present</b>
<b>Michael Krouse, D.C.</b>	<b>Present</b>
<b>Lawrence O'Connor, D.C.</b>	<b>Present</b>
<b>Thomas A. Senatore, Sr., D.C.</b>	<b>Present</b>
<b>Michael Spadafino, D.C.</b>	<b>Present</b>
<b>Albert Stabile, Jr., D.C.</b>	<b>Excused</b>
<b>John Traier</b>	<b>Absent</b>
<b>James L. Winters, D.C.</b>	<b>Present</b>

Also present were: **Virginia Class Matthews, Deputy Attorney General; and Lisa Tadeo, Executive Director**

**PUBLIC COMMENT**

**I. APPROVAL OF THE PUBLIC SESSION MINUTES OF FEBRUARY 28, 2013**

A motion was made by Dr. O'Connor, which was seconded by Dr. Krouse, to approve the public session minutes from the February 28, 2013 meeting as amended. A vote was taken and the motion passed with all members present voting in favor.

**II. CONTINUING EDUCATION COMMITTEE**

The continuing education committee reviewed 52 courses submitted by continuing education sponsors. The committee identified 7 courses where sponsors will be requested to provide additional information. The committee recommended that 2 courses be denied and 43 courses be approved

based on the information submitted for these courses. A motion was made by Dr. Winters and seconded by Dr. Spadafino, to deny the 2 courses and approve the 43 courses as recommended by the committee. A vote was taken and the motion passed with all members present voting in favor.

### **III. NEW BUSINESS**

Upon a motion made by Dr. Senatore, which was seconded by Dr. O'Connor, the Board voted to go into Executive Session to review and discuss applications for licensure and reinstatement. The Board returned to public session to continue the meeting and to vote on the applications for licensure and reinstatement.

#### **A. Application for Chiropractic Licensure**

##### **1. Ali Sakhai**

A motion was made by Dr. O'Connor, which was seconded by Dr. Senatore, to approve Dr. Sakhai's application for licensure. A vote was taken and the motion passed with all members present voting in favor.

#### **B. Application for Reinstatement**

##### **1. E. Michael Catalanello, D.C.**

A motion was made by Dr. O'Connor, which was seconded by Dr. Winters, to approve Dr. Catalanello's application for reinstatement. A vote was taken and the motion passed with all members present voting in favor.

#### **C. Electrodiagnostic Application**

##### **1. Michael Wraith, D.C.**

A motion was made by Dr. Calio, which was seconded by Dr. Winters, to approve Dr. Wraith's Electrodiagnostic application. A vote was taken and the motion passed with all members present voting in favor.

#### **D. Board Discussion with Elizabeth Greenblatt, Regulatory Analyst RE: Sunset of Regulations**

The Board met with Elizabeth Greenblatt, Regulatory Analyst, to discuss the New Jersey State Board of Chiropractic Examiners regulations which expire on December 22, 2013.

- E. Inquiry from Andrea Sciarrillo, D.C.  
RE: Concussions

Dr. Sciarrillo inquired whether New Jersey licensed chiropractors were permitted to evaluate, manage and determine return to play for concussions.

A motion was made by Dr. O'Connor, which was seconded by Dr. Senatore, to inform Dr. Sciarrillo that a chiropractor is permitted to evaluate, manage and determine return to play for concussions provided the chiropractor is trained and competent to do so. A vote was taken and the motion passed with all members present voting in favor.

- F. Inquiry from Andrew A. McBain, D.C.  
RE: N.J.A.C. 13:44E-1A-6 Malpractice insurance

Dr. McBain inquired whether he was required to have chiropractic malpractice insurance as he practices at a federal facility. Dr. McBain informed the Board that under federal law, a professional cannot be sued for malpractice when practicing in a federal facility.

A motion was made by Dr. Krouse, which was seconded by Dr. O'Connor, to advise Dr. McBain that if he is treating consumers in New Jersey as a licensed chiropractor in New Jersey then he must have malpractice insurance. A vote was taken and the motion passed with all members present voting in favor.

- G. Inquiry from Theodore Campbell, D.C.  
RE: School Excuse Notes

Dr. Cambell inquired whether a chiropractor is permitted to write a student a note to be excused from gym class.

A motion was made by Dr. O'Connor, which was seconded by Dr. Krouse, to inform Dr. Cambell that there is nothing in the New Jersey State Board of Chiropractic Examiners statutes and regulations that would preclude a chiropractor from writing a student a note to be excused from gym class or sport activities, but the school district may have a policy concerning which health care professionals they will accept a note from for excused sport activities. A vote was taken and the motion carried by a unanimous vote.

- H. Inquiry from Ebenezer Bilewu, D.C.  
RE: Continuing Education

Dr. Bilewu informed the Board that he was licensed in July of 2012 and asked whether he needed to complete the required 30 continuing education credits.

A motion was made by Dr. Calio, which was seconded by Dr. O'Connor to advise Dr. Bilewu that he does not have to complete any continuing education credits in order to renew by August 31, 2013 pursuant to N.J.A.C. 13:44E-1A.5(m). Dr. Bilewu will need to complete 30 continuing education credits between September 1, 2013 through August 31, 2015.

- I. Inquiry from David Glick, D.C.  
RE: Continuing Education Programs

Dr. Glick inquired whether a program that is already approved in all 50 States for medical continuing education would need to be submitted to the New Jersey State Board of Chiropractic Examiners for approval.

A motion was made by Dr. O'Connor, which was seconded by Dr. Calio, to advise Dr. Glick that he must complete an application in order for the Board to review the course information and determine whether they will approve the program. A vote was taken and the motion passed with all members present voting in favor.

- J. Inquiry from Boris Gershteyn, DC  
RE: Patient Records

Dr. Gershteyn inquired whether he is permitted to shred paper patient records after he has scanned them into a pdf file, therefore, will have them saved on his computer which is backed up elsewhere on an external hard drive.

A motion was made by Dr. O'Connor, which was seconded by Dr. Calio, to advise Dr. Gershteyn that he could shred the paper patient records after they have been scanned and saved on a secure computer system. A vote was taken and the motion passed with all members present voting in favor.

- K. Assembly, No. 732  
Synopsis (Makes it a crime of third degree to practice psychology, chiropractic or State-certified psychoanalysis without the appropriate license or certification)

The Board reviewed Assembly, No. 732 and considered informational.

- L. Federation of Chiropractic Licensing Boards  
Delegate & Alternate Voting Designation

A motion was made by Dr. Calio, which was seconded by Dr. Winters, to elect Lawrence O'Connor as the Federation of Chiropractic Licensing Boards voting Delegate and Albert Stabile as the Federation of Chiropractic Licensing Boards voting Alternate Delegate. A vote was taken and the motion passed with all members present voting in favor.

## **VI. OPEN DISCIPLINARY MATTERS**

- A. Professional Assistance Program Reports  
RE: Scott White, D.C.  
Consent Order filed January 24, 2008

The Board reviewed a report from Louis E. Baxter, M.D. dated March 5, 2013 concerning Dr. White's continued compliance with the Consent Order filed January 24, 2008 and his monitoring plan with the Professional Assistance Program of New Jersey.

- B. Professional Assistance Program Report  
RE: Peter Steinmetz, D.C.  
Consent Order filed November 29, 2006

The Board reviewed a report from Louis E. Baxter, M.D. dated February 20, 2013 concerning Dr. Steinmetz's monitoring plan with the Professional Assistance Program of New Jersey.

- C. Interim Consent Order filed February 28, 2013  
In the matter of Rene J. Garcia, D.C.

An Interim Consent Order was filed on February 28, 2013 in the matter of Rene J. Garcia, D.C.

- D. Final Order of Discipline filed February 28, 2013  
In the matter of William Kyung Pae Yu, D.C.

A Final Order of Discipline was filed on February 28, 2013 in the matter of William Kyung Pae Yu, D.C.

- E. Provisional Order of Denial filed February 28, 2013  
In the matter of Daniel Fontanella, D.C.

A Provisional Order of Denial was filed on February 28, 2013 in the matter of Daniel Fontanella, D.C.

## **VII. NOMINATIONS FOR BOARD OFFICERS**

Ms. Tadeo called for nominations for Treasurer of the Board and a motion was made by Dr. O'Connor, which was seconded by Dr. Spadafino, to nominate Dr. Winters. Ms. Tadeo called for further nominations and there were none.

Ms. Tadeo called for nominations for Secretary of the Board and a motion was made by Dr. O'Connor, which was seconded by Dr. Winters, to nominate Dr. Senatore. Ms. Tadeo called for further nominations and there were none.

Ms. Tadeo called for nominations for Vice President of the Board and a motion was made by Dr. O'Connor, which was seconded by Dr. Senatore, to nominate Dr. Stabile. Ms. Tadeo called for further nominations and a motion was made by Dr. Calio, which was seconded by Dr. Krouse, to nominate Dr. Spadafino. Ms. Tadeo called for further nominations and there were none.

Ms. Tadeo called for nominations for President of the Board and a motion was made by Dr. O'Connor, which was seconded by Dr. Senatore, to nominate Dr. Allen. Ms. Tadeo called for further nominations and there were none.

Election of officers for April of 2013 through April of 2014 will be held at the Board's April 25, 2013 meeting.

## **VIII. INFORMATIONAL**

### **A. Veterinary Medical Examiners December 19, 2012 Public Session Minutes**

The Board reviewed the Veterinary Medical Examiners December 19, 2012 Public Session Minutes and considered them informational.

The Board noted that the definition of "practice of veterinary medicine, surgery and dentistry" in the New Jersey State Board of Veterinary Medical Examiners states, "*means to directly or indirectly diagnose, prognose, treat, correct, change, relieve or prevent animal disease, deformity, defect, injury, wound or other physical or mental condition; including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic or other therapeutic or diagnostic substance or technique on any animal including, but not limited to, animal acupuncture, surgical or dental operations, **animal chiropractic**, theriogenology, alternative or complementary veterinary medicine, surgery, including cosmetic surgery, any manual mechanical, biological or chemical procedure for testing for the presence of any disease or pregnancy or for correcting sterility or infertility, including embryo transfer, or to render service or recommendations with regard to any of the above and all other branches of veterinary medicine, surgery and dentistry*".

A motion was made by Dr. Calio, which was seconded by Dr. Krouse, to advise the New Jersey State Board of Veterinary Medical Examiners that they can only use the term animal chiropractic if a New Jersey licensed chiropractor is practicing under a New Jersey licensed veterinarian. The term chiropractic can only be used by licensed chiropractors pursuant to N.J.S.A. 45:9-14.5(d), "It shall be unlawful for any person, not duly licensed in this State to practice chiropractic, **to use the terms**, titles, words or letters which would designate or imply that he or she is qualified to practice chiropractic, or to hold himself or herself out as being able to practice chiropractic, or offer or attempt to practice chiropractic, or to render a utilization management decision that limits, restricts or curtails a course of chiropractic care". A vote was taken and the motion passed with all members present voting in favor.

Upon a motion made by Dr. Calio, which was seconded by Dr. O'Connor, the Board voted to go into Executive Session to discuss matters involving investigations of violations of the Board's enabling act, the Uniform Enforcement Act and/or Board regulations.

1. Five matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
2. Eleven matters where additional information has been submitted to the Board concerning pending investigations.

## **ADJOURNMENT**

The Board returned to Public Session and a motion was made by Dr. Senatore, which was seconded by Dr. O'Connor, to adjourn the meeting at 1:00 P.M. A vote was taken and the motion passed with all members voting in favor.

Respectfully submitted,

Lisa Tadeo  
Executive Director